



Department of Justice

*United States Attorney's Office
Western District of Texas
El Paso Division*

700 E. San Antonio Ave, Suite 200
El Paso, Texas 79901

Phone: (915) 534-6884
Facsimile: (915) 534-6024

June 13, 2013

Marie Romero-Martinez
Assistant Federal Public Defender

**Re: United States v. ANDRES TELLEZ-RAMIREZ
Court No. EP-13-CR-1242-FM**

Dear Ms. Romero-Martinez:

Pursuant to the PROTECT Act, effective April 30, 2003, the U.S. Sentencing Commission amended USSG § 3E1.1, to give the government the discretion to determine whether a defendant should receive the third level adjustment for acceptance of responsibility. Under the amended guideline, the court may give a defendant the third level downward adjustment only upon motion by the government. According to the amended guideline, a third level for acceptance of responsibility may only be awarded when: (1) the offense level determined prior to the application of the two-level acceptance adjustment is at least level 16; (2) the defendant otherwise qualifies for the two-level decrease; and (3) the government makes a motion to award the third level adjustment, stating the defendant has “assisted authorities in the investigation or prosecution of his own misconduct by **timely notifying authorities** of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently.” (**emphasis added**).

In an effort to efficiently carry out its responsibility under the amended guideline, the government has established a deadline for notification that a plea will be entered, assuming that the three provisions listed above have been met. Therefore, in order to preserve the possibility that the government will move for the award of the third level, **you must either (1) announce your client's intention to enter a guilty plea at docket call or (2) give written notice of your client's intention to enter a guilty plea by electronically filing such notice with the District Clerk through ECF no later than the close of business on the 60th day after the return of indictment, which is 5:00 p.m. on August 19, 2013.** A failure to meet this deadline will most certainly result in a refusal by the government to move for the third level adjustment.

United States v. ANDRES TELLEZ-RAMIREZ
Page 2

Thank you for your attention to this matter.

Sincerely,

ROBERT PITMAN
UNITED STATES ATTORNEY

By: /s/
Carlos G. Hermosillo
Assistant United States Attorney

cc: Honorable U.S. District Judge Frank Montalvo